

DEPARTMENT OF HUMAN SERVICES
Amendments to Chapters 17-1737
Hawaii Administrative Rules

1. Section 17-1737-12, Hawaii Administrative Rules, is amended to read as follows:

"§17-1737-12 Authorized providers of psychiatric services. Individuals and facilities authorized to participate under the Medicaid program shall meet the provisions of chapter 17-1736. In addition the authorized provider shall meet the following requirements:

- (1) Psychiatrists shall be:
 - (A) Licensed to practice in the state;
 - (B) Have completed an approved three year residency training program or "Certified" by the American Board of Psychiatry and Neurology; and
 - (C) In active clinical practice;
- (2) Psychologists shall:
 - (A) Be licensed to practice in the State;
 - (B) Have earned a doctoral degree in clinical, educational, or counseling psychology;
 - (C) Be in active clinical practice;
- (3) An advanced practice registered nurse (APRN) in behavioral health shall be:
 - (A) Licensed to practice as a registered professional nurse in the State;
 - (B) Successfully completed an accredited advanced training program in behavioral health;
 - (C) Have a masters in nursing with emphasis in psychiatric nursing and currently certified by the American Nurses Association to practice as an advanced practice registered nurse in behavioral health; [and]
 - (D) Limited to the scope of practice a behavioral health advanced practice registered nurse is legally authorized to perform under State law[.]; and
 - (E) Initially and biennially licensed with

the department of commerce and consumer
affairs as an advanced practice
registered nurse (APRN) in mental
health.

- (4) A licensed clinical social worker [(LSW)]
[(LCSW)] in behavioral health shall:
 - (A) Be licensed to practice in the
State as a licensed clinical social
worker [in the State] and meets all of
the requirements in accordance with
chapter 467E, HRS;
 - [(B)] Have earned a master's or doctor's
degree in social work;
 - (C)] (B) Be [initially and triennially
registered with] currently licensed by
the department of commerce and consumer
affairs and uses the designation of
licensed clinical social worker
[(CSW).]; and [Is currently certified
by the National Association of Social
Workers as a qualified clinical social
worker or diplomate in clinical social
work or the American Board of Examiners
in clinical social work as a board
certified diplomate; and]
 - [(D)] (C) Be limited to the scope of
practice of a qualified licensed
clinical social worker in behavioral
health as authorized under State law;
- (5) General hospitals with a separate license as
a psychiatric facility under Hawaii
Administrative Rules, Title [XI] 11, chapter
93, shall have:
 - (A) Qualified professional, technical, and
consultant personnel available to
evaluate each patient at the time of
admission;
 - (B) Qualified, professional, technical, and
supporting personnel to carry out an
intensive and comprehensive treatment
program;
 - (C) A seclusion room;
 - (D) Psychiatric services available at all
times; and
 - (E) The capability to admit voluntary and
involuntary commitments; and
- (6) State community mental health centers

and psychiatric outpatient clinics attached to a general hospital with a separate license as a psychiatric facility may provide psychiatric care through the centers' therapeutic teams. A therapeutic team shall:

- (A) Be under the direct supervision of a psychiatrist; or
- (B) For patients who are not prescribed medications, be under the supervision of a psychologist; and
- (C) Provide care that meets the patient's specified needs. [Eff 08/01/94, am 10/26/01; am] (Auth: HRS §§346-14, 467E-7, 467E-9; 42 C.F.R. §431.10) (Imp: HRS §§346E-7, 346E-9; 42 C.F.R. §§405.232(a), 440.60)

2. Section 17-1737-81, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"§17-1737-81 Pediatric or family nurse practitioner services. (a) Pediatric or family nurse practitioners are registered nurses who meet the following conditions:

- (1) Licensed to practice as a registered professional nurse in the State
- (2) Successfully completed an accredited, advanced training program in pediatrics or family health; [and]
- (3) Currently certified by the American Nurses Association or the National Board of Pediatric Nurse Practitioners and Nurses to practice in either specialty named above[.];
and
- (4) Initially and biennially licensed with the department of commerce and consumer affairs as an advanced practice registered nurse (APRN) in their area of profession."

[Eff 08/01/94; am] (Auth: HRS §346-14) (Imp: Pub. L. No. 101-239, §6405)

3. Chapter 17-1737, Hawaii Administrative Rules,
is amended by adding a new section 17-1737-81.1 to
read
as follows:

"§17-1737-81.1 Nurse-midwife services. (a) A nurse-midwife is a registered nurse who meets the following conditions:

- (1) Licensed to practice as a registered professional nurse in the state;
- (2) Initially and biennially licensed with the department of commerce and consumer affairs as an advanced practice registered nurse(APRN)certified nurse-midwife; and
- (3) Successfully completed a program of study and
clinical experience for nurse-midwives and
is currently certified as a nurse-midwife by the
American College of Nurse-Midwives as a
nurse-midwife.

(b) Nurse-midwife services to Medicaid recipients shall be limited to the scope of practice a nurse-midwife is legally authorized to perform under state law, including but not limited to, providing independent management of women's health care, focusing particularly on pregnancy, childbirth, the postpartum period, care of the newborn, and the family planning and gynecological needs of women.

(c) Medicaid payments shall be made only to a nurse-midwife who meets the requirements of this section and of chapter 17-1736." [Eff]
(Auth: HRS §346-14) (Imp: 42 C.F.R. §440.165)

4. Materials, except source notes, to be repealed are bracketed. New material is underscored.

5. Additions to update source notes to reflect these amendments are not underscored.

6. The amendment to chapter 17-1737, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.